

### REMARKS/ARGUMENTS

Claims 11, 13-17, and 19-24 are pending in this application. By this Amendment, Applicant AMENDS claims 11, 15, and 17 and ADDS new claims 23 and 24.

Support for new claims 23 and 24 can be found in, for example, paragraph [0021] of Applicant's substitute specification filed June 19, 2006 and Figs. 2 and 4 of Applicant's drawings.

Claims 11-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ootaka et al. (U.S. 6,679,292) in view of Suzuki et al (JP 2003-074436) and Kobayashi et al. (U.S. 6,655,363) (Applicant notes that the Examiner inadvertently included claims 12 and 18 in the introductory sentence of the prior art rejection although claims 12 and 18 have been canceled by Applicant).

Applicant respectfully traverses the rejection of claims 11, 13-17, and 19-22.

Claim 11 has been amended to recite:

A mounting structure for a fuel pump of a vehicle engine, the mounting structure comprising:

a fuel pump assembly including a cylindrical pump body and a filter coupled with a suction end of the pump body;

a fuel tank arranged to straddle a body frame of a vehicle;

a housing enclosing the cylindrical pump body, a flange section of the housing arranged to abut an outside area surrounding an opening in the fuel tank; and

a mounting plate arranged to cover the flange section on an outside of the fuel tank, the fuel pump assembly arranged to be fixed to the opening through the mounting plate and the flange section; and

**a fuel pipe including a first end with which the cylindrical pump body is coupled, a trunk portion of the fuel pipe bending toward the filter, and a second end with which the filter is coupled, wherein a fuel flow direction in the cylindrical pump body and a fuel flow direction in the filter are opposite to each other;** wherein

an axis of the cylindrical pump body extends generally parallel to a mounting surface of the mounting plate;

the cylindrical pump body and the filter are arranged to overlap each other in a first direction corresponding to a plan view of the vehicle;

the opening is arranged in a side wall surface of the fuel tank, the mounting plate is attached to the opening of the side wall surface of the fuel tank; and

the mounting plate and the cylindrical pump body at least partially overlap each other in a second direction corresponding to a lateral side view of the vehicle, the second direction being substantially perpendicular to the first direction. (emphasis added)

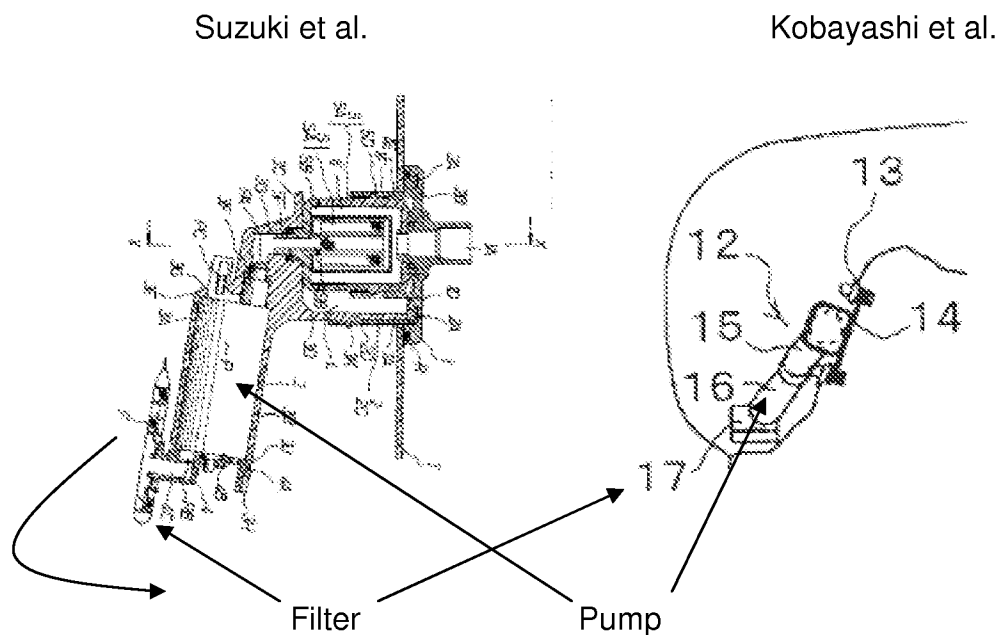
Applicant's claim 17 has been amended to recite features that are similar to the features recited in Applicant's claim 11, including the above-emphasized features.

The Examiner alleged that Ootaka et al. teaches a fuel pump assembly 20, a housing 22 enclosing the fuel pump assembly, and a mounting plate 40 arranged to cover a flange section of the housing. The Examiner acknowledged that Ootaka et al. does not teach a filter or that the cylindrical pump body extends generally parallel to a mounting surface of the mounting plate, but alleged that Suzuki et al. teaches a cylindrical pump body P having a filter F arranged such that the cylindrical pump body P extends generally parallel to a mounting surface T and overlaps the filter F. The Examiner alleged that it would have been obvious to provide Ootaka et al. with an elongated cylindrical pump and filter in order to reduce the size of the opening in the fuel tank. Although Suzuki et al. clearly shows in Fig. 1 that the filter F is arranged below the cylindrical pump body P, the Examiner alleged in the last sentence on page 4 of the Office Action that it would have been obvious "to reorient the filter such that it is below the cylindrical pump body based upon mounting location in order to maximize the use of internal fuel tank volume." Lastly, the Examiner alleged that Kobayashi et al. teaches a fuel pump assembly arranged in an elliptical opening in a side wall surface of the fuel tank, and that it would have been obvious to modify the opening of Ootaka et al. to have an elliptical opening in order to allow installation of the fuel pump assembly in low-profile tank shapes.

Applicant has amended claim 11, and similarly claim 17, to recite the feature of "a fuel pipe including a first end with which the cylindrical pump body is coupled, a trunk portion of the fuel pipe bending toward the filter, and a second end with which the filter is coupled, wherein a fuel flow direction in the cylindrical pump body and a fuel flow direction in the filter are opposite to each other." Support for this feature is found, for example, in paragraphs [0023] and [0024] of Applicant's substitute specification filed

June 19, 2006 and Applicant's originally filed claim 19.

As stated above, the Examiner alleged that it would have been obvious to reorient a fuel filter, such as the fuel filter F taught by Suzuki et al., so that the fuel filter is below a cylindrical pump body based upon the mounting location of the fuel assembly in the fuel tank in order to maximize the use of internal fuel tank volume. Thus, according to the Examiner's allegation, the fuel filter F of Suzuki et al. would be rotated to a position below the cylindrical pump body P, as illustrated by the curved arrow in the marked-up copy of Fig. 1 of Suzuki et al. below. The Examiner should note that the Examiner's proposed modification of the fuel pump assembly of Suzuki et al. would result in a fuel pump assembly very similar to the fuel pump assembly taught by Kobayashi et al., also illustrated below.



Thus, the fuel flow direction in each of the fuel pump assemblies of Suzuki et al. and Kobayashi et al. would be substantially straight from the filter at the bottom of the fuel tank through the cylindrical pump body and out of the fuel tank through the opening in the side of the fuel tank. Although the fuel flow in the modified fuel pump assembly of

Suzuki et al. would slightly turn to the right from the cylindrical pump body to the opening of the fuel tank, the fuel flow direction in the filter F of Suzuki et al. is certainly not opposite to the fuel flow direction in the cylindrical pump body.

Applicant notes that the Examiner's allegation in the last full paragraph on page 6 of the outstanding Office Action that the fuel flow direction in the fuel filter F is generally to the right in Fig. 1 of Suzuki et al. and that the fuel flow direction in the cylindrical pump body P is generally to the left in Fig. 1 of Suzuki et al. is incorrect because the Examiner fails to consider that the Examiner previously alleged in the Office Action that the fuel filter F of Suzuki et al. should be rotated to be below the cylindrical pump body P in order to maximize the use of internal fuel tank volume. Thus, as indicated above, the fuel flow direction in the fuel pump assembly of Suzuki et al. would be substantially straight from the filter F to the cylindrical pump body P.

Thus, the combination of Ootaka et al., Suzuki et al., and Kobayashi et al. fails to teach or suggest the features of "a fuel pipe including a first end with which the cylindrical pump body is coupled, a trunk portion of the fuel pipe bending toward the filter, and a second end with which the filter is coupled, wherein a fuel flow direction in the cylindrical pump body and a fuel flow direction in the filter are opposite to each other," as recited in Applicant's claim 11, and similarly in Applicant's claim 17.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 11 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Ootaka et al. in view of Suzuki et al. and Kobayashi et al.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 11 and 17 are allowable. Claims 13-16 and 19-24 depend upon claims 11 and 17, and are therefore allowable for at least the reasons that claims 11 and 17 are allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicant petitions the Commissioner for a ONE-month

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extension of time, extending to December 24, 2009, the period for response to the Office Action dated August 24, 2009.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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